

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROBERT J. STACKELBECK,

Plaintiff,

v.

Case No: 8:20-cv-2427-T-36JSS

RON DESANTIS,

Defendant.

ORDER

This cause comes before the Court upon the Report and Recommendation, filed by Magistrate Judge Julie S. Sneed on October 21, 2020 (Doc. 7). In the Report and Recommendation, Magistrate Judge Sneed recommends that: (1) Petitioner's Motion for Leave to Proceed *in Forma Pauperis* (Dkt. 2) be denied without prejudice; (2) Petitioner's Petition for Writ of Mandamus (Dkt. 1) be dismissed without prejudice and with leave to file an amended petition that complies with the Federal Rules of Civil Procedure within twenty (20) days of the date the Report and Recommendation becomes final; and (3) Petitioner's remaining motions be denied as moot. Plaintiff was furnished a copy of the Report and Recommendation and was afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 7) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.

- (2) Petitioner's Motion for Leave to Proceed *in Forma Pauperis* (Doc. 2) is DENIED without prejudice.
- (3) Petitioner's Petition for Writ of Mandamus (Doc. 1) is DISMISSED without prejudice. Petitioner is granted leave to file an amended petition within **twenty (20) days** of the date of this Order that complies with the Federal Rules of Civil Procedure. Failure to file an amended petition within the time provided will result in dismissal of this action without further notice.
- (4) Petitioner's Motion for *Ex Parte* Hearing (Doc. 6) is DENIED as moot

DONE AND ORDERED at Tampa, Florida on November 9, 2020.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Julie S. Sneed
Counsel of Record